

## REMARKS

Claims 7-14 and 31-38 are pending in the present application and claims 7 and 31 have been amended.

### Office Action of December 24, 2008

Applicant has carefully reviewed and considered the Office Action of December 24, 2008. Applicant hereby requests entry of this Response and further consideration of the present application in view of the following remarks.

In the Office Action, claims 7, 9-14, 31, and 33-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chu (U.S. Pat. Pub No. 2004/0061715) in view of Spagna (U.S. Pat. Pub. No. 2002/0002468) and claims 8 and 32 were rejected under 35 U.S.C. §103(a) over Chu and Spagna and further in view of Nguyen (U.S. Pat. No. 6,202,070). Applicant respectfully traverses these grounds of rejection and requests reconsideration thereof.

### Rejection Under 35 U.S.C. §103(a)

#### *Claim 7*

The Office Action stated that Chu discloses dividing the bill of material into an essential portion and a non-essential portion, where the essential portion includes any hardware components or software components that impacts on generation of a disk image for a target computer system. Applicant respectfully disagrees.

Chu discloses an organization system for organizing parts for a bill of material (BOM) (abstract). The organization system in Chu uses a computerized system for handling its tasks, "the BOM is produced by the computer system" ([0043]). Chu does not disclose generating a BOM for a computer system or generating a disk image for a computer readable media.

Further, the hierarchical system in Chu identified by the Examiner as comparable to the essential portion of the present invention has no impact on generation of a disk image. The hierarchical system in Chu is used for organizing the BOM for any system, so that the system can be assembled correctly ([0091]). The hierarchical system in Chu is not used to generate a disk image.

Spagna is similar to Chu and it discloses a method and system for forming a data table in memory on an end user system (abstract). Similarly, Spagna does not disclose a image delivery system that delivers a disk image to a target computer system and the image delivery system being capable of generating a BOM and dividing the BOM into essential and non-essential portions, where the essential portion includes elements that impacts the generation of the disk image.

Notwithstanding the above, claim 7 has been amended to further distinguish the claimed invention from the cited references. In particular, amended claim 7 includes updating the disk image with updates if the updates are available. The amendment is fully supported by the specification ([0034]) and does not introduce new matter.

Applicant submits that the cited references do not disclose all the elements of amended claim 7, including the newly added element. Therefore, the cited references cannot render unpatentable claim 7 as amended and the allowance thereof is respectfully solicited.

#### *Claims 8-14*

Claims 8-14 depend from amended claim 7 and Applicant submits that claims 8-14 are patentable over the cited reference for at least reasons stated above with regard to the patentability of amended claim 7.

#### *Claim 31*

As discussed above with regard to the patentability of amended claim 7, Chu does not dividing the BOM into an essential portion and a non-essential portion, wherein the essential portion include hardware components or software components that impact on generation of a disk image on a target computer system. Chu does not disclose generating a disk image or having an essential portion that impacts on the generation of such disk image. Spagna also failed to disclose such element.

Similarly like amended claim 7, claim 31 also has been amended in a similar manner to further distinguish from the cited references. Applicant submits that for the above reasons and the reasons stated with regard to the patentability of amended

claim 7, amended claim 31 is patentable over the cited references and the allowance thereof is respectfully solicited.

*Claims 32-38*

Claims 32-38 depend from amended claim 31 and Applicant submits that claims 32-38 are patentable over the cited reference for at least reasons stated above with regard to the patentability of amended claim 31.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that Claims 7-14 and 31-38 are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (770-246-2599) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 50-4290.

Respectfully submitted,

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